

REMARKS

I. Summary

Claims 1-21 are currently pending and stand rejected. The Office Action rejected claims 4 and 7 under 35 U.S.C. §112 for being indefinite. The Office Action rejected claims 1-2, 4-5, and 8-9 under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,249,673 to Tsui (“the Tsui ‘673 patent”). The Office Action rejected claims 6, 16-19 as being obvious over the Tsui ‘673 patent. The Office Action rejected claim 7 under 35 U.S.C. §103 as being unpatentable over the Tsui ‘673 patent in view of U.S. Patent No. 5,552,641 to Fischer et al. Claims 3 and 10 were rejected under 35 U.S.C. §103 as being unpatentable over Tsui ‘673 in view of U.S. Patent No. 6,556,813 to Tsui. Claims 11-15 were rejected under 35 U.S.C. §103 as being unpatentable over the Tsui ‘673 patent in view of the Tsui ‘813 patent in further view of U.S. Patent No. 6,366,198 to Allen et al. Claims 20-21 were rejected under 35 U.S.C. §103 as being unpatentable over the Tsui ‘673 patent in view of U.S. Patent No. 4,750,118 to Heitschel et al. The applicant respectfully traverses these rejections for the reasons set forth below.

II. The §112 Rejections are Traversed

The Office Action rejected claims 4 and 7 under 35 U.S.C. §112 for being indefinite. The Office Action rejected claim 4 because the limitation for “first switch capable of identifying” was not a positive recitation of the limitation of the switch. In addition, the Office Action rejected claim 7 because the term “transmitter capable of” was not a positive recitation of the transmitter. The applicant has amended claims 4 and 7 to positively identify the limitations identified by the Office Action and overcome these rejections.

III. The §102 Rejections are Traversed

The Office Action rejected claims 1-2, 4-5, and 8-9 under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 6,249,673 to Tsui (“the Tsui ‘673 patent”).

The Tsui ‘673 patent describes the over-the-air learning of codes using a template and without the use of a switch or switches. Specifically, the Tsui ‘673 patent, describes a system where “[t]he frequency of the universal transmitter 100 is matched to that transmitted by the template transmitter 150 by detecting the frequency of the signal 160 emitted from the template transmitter 150 and subsequently tuning the frequency transmitted by the universal transmitter to match the

frequency detected.” Tsui patent, col. 4., ll. 9-14. In other words, the alleged improvement described in the Tsui ‘673 patent does not concern a switch-based system that can produce multiple codes, does not associate particular codes with a particular user input, and does not store the association in memory at the transmitter.

Indeed, the Tsui ‘673 patent teaches away from using any type of a signal configuration input (such as a switch) to produce multiple codes. Specifically, the Tsui ‘673 patent notes that the prior art teaches the “setting [of] a plurality of dual inline (DIP) switches (or a modulation pattern selection circuit) on the transmitter and by similarly setting a plurality of DIP switches (or a corresponding modulation pattern selection circuit) on the receiver.” Tsui ‘673 patent, col. 1, ll. 49-55. In other words, the Tsui ‘673 patent states that prior art switches are capable of setting only a *single* code, not multiple codes.

In contrast, the applicant’s claimed system provides important advantages over the prior art systems described in the Tsui ‘673 system as well as the alleged improvement of the Tsui ‘673 patent. A user can easily program multiple signal configurations (e.g., codes) using a simple user manipulatable signal configuration input (e.g., a switch) in a transmitter. In this regard, a plurality of signal configurations are created by placing the transmitter in a learn mode and adjusting the signal configuration input, and selecting a user input with which the signal configuration is to be associated. This association is stored in memory. Then, the controller can retrieve and transmit the desired signal configuration every time the user input associated with the configuration is actuated. The Tsui ‘673 patent does not teach or suggest these limitations. And, in the case of creating multiple configurations (e.g., codes), the Tsui ‘673 patent teaches away from what the applicant is claiming.

In addition, in applicant’s system, reprogramming is easily and conveniently accomplished. For example, the applicant need only reprogram the user manipulatable signal configuration inputs at a single location to accomplish the reprogramming. In contrast, reprogramming in the Tsui ‘673 system requires additional parts and involves steps at multiple locations. Specifically, the Tsui ‘673 system requires the use of a transmitter at a first location to be manipulated and send a new signal to the receiver at a second location to accomplish any reprogramming.

The applicant has amended claim 1 to require “*a user manipulatable signal configuration input (e.g., a switch)* for use by an operator to select *signal configuration settings* for transmitter signals” and “a controller responsive to the signal configuration input for *storing the*

selected signal configurations in a memory location in association with selected [] user inputs (e.g., a button)." As noted above, the Tsui '673 patent does not teach or suggest these limitations. Because the Tsui '673 patent does not teach or suggest these limitations, amended claim 1 is allowable. Claims 2 and 4-5 depend directly or indirectly upon claim 1. Since claim 1 is allowable, claims 2 and 4-5 are also allowable. Independent claims 8 and 9 are allowable for the same reasons as those set out for claim 1.

IV. The §103 Rejections are Traversed

The Office Action rejected claims 6, 16-19 as being obvious over the Tsui '673 patent. The Office Action rejected claim 7 under 35 U.S.C. §103 as being unpatentable over the Tsui '673 patent in view of U.S. Patent No. 5,552,641 to Fischer et al. Claims 3 and 10 were rejected under 35 U.S.C. §103 as being unpatentable over Tsui '673 in view of U.S. Patent No. 6,556,813 to Tsui. Claims 11-15 were rejected under 35 U.S.C. §103 as being unpatentable over the Tsui '673 patent in view of the Tsui '813 patent in further view of U.S. Patent No. 6,366,198 to Allen et al. Claims 20-21 were rejected under 35 U.S.C. §103 as being unpatentable over the Tsui '673 patent in view of U.S. Patent No. 4,750,118 to Heitschel et al.

All the pending claims require the use of multiple configuration inputs (e.g., switches) for producing multiple configurations (e.g., codes) and storing the configurations in memory. For instance, independent claim 10 requires "setting the multi-position switches to a first set of desired positions corresponding to a first signal configuration", which produce multiple codes. Independent claim 16 requires "setting a combination of the configuration switches to define a code signal configuration." The remaining claims depend directly or indirectly on these claims.

The proposed combinations do not teach or suggest the use of any type of configuration inputs such as switches in conjunction with the production of multiple configurations (e.g., codes) in a transmitter and storing the configurations in a memory location associated with a particular user input (e.g., a button). To the contrary, as noted above, the Tsui '673 patent (included in each of the proposed combinations relied upon in the rejections) teaches away from the claimed invention since it describes systems using switches that produce only a *single* code. Since a claim limitation (i.e., the creation of multiple codes by a configuration input) is taught away from by a reference used in the proposed combinations, claims 3, 6-7 and 10-21 are allowable over the proposed combinations.

Application No. 09/842,346
Reply to Official Action dated August 1, 2003

V. Conclusion

In view of the above amendments and remarks, Applicant respectfully requests allowance of the pending claims.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,
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Date: 11/25/03

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